

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CINDY AVILA, individually and as)	4:04CV3384
Personal Representative of the Estate)	
of Steven Avila, Deceased, et al.,)	
)	
Plaintiffs,)	AMENDED
vs.)	MEMORANDUM
)	AND ORDER
)	
CNH AMERICA, LLC, et al.,)	
)	
Defendants.)	
)	

The parties have filed a joint stipulation for dismissal with prejudice, and without costs, of all claims asserted by the plaintiff Willard Braden. (Filing 212.) Pursuant to Federal Rule of Civil Procedure 41(a)(1), this filing is effective without an order of the court. However, because of the large number of plaintiffs involved in this action,¹ the court finds for administrative purposes that it should enter a final judgment at this time pursuant to Federal Rule of Civil Procedure 54(b)

Accordingly, there being no just reason for delay,

IT IS ORDERED that final judgment shall be entered by separate document dismissing with prejudice, and without costs, all claims asserted by the plaintiff Willard Braden. This amended memorandum and order supersedes filing 213.

May 18, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge

¹ Because the original lead plaintiff, Joan Schwan, has been dismissed from the action, see filing 205, Cindy Avila (first alphabetically among remaining plaintiffs) has been substituted as lead plaintiff in the caption.